



THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401-1991

JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

Memorandum

To: Members of the AELR Committee
Standing Committee Chairs

From: Marie H. Razulis, AELR Committee Counsel
George H. Butler, Jr., AELR Committee Counsel
Crystal L. Lemieux, AELR Committee Counsel

Date: July 1, 2016

Re: **Synopses of Regulations received from 6/17/2016 through 6/30/2016**

Enclosed please find synopses of regulations received by the AELR Committee during the weeks noted above.

The Office of Policy Analysis prepares analyses of the regulations to determine if there are any problem areas, to ensure that the regulations comply with statutory authority and legislative intent, and to assess the fiscal impact of the regulations. If any regulation is of particular interest to you, please feel free to contact us at 410-946-5350 and we will supply you with a copy of the regulation along with the legal and fiscal analysis.

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cc: Victoria L. Gruber
Alexandra M. Hughes

Health and Mental Hygiene, Department of

Proposed Regulations

DLS Control No. 16-122

Department of Health and Mental Hygiene:

Maryland Health Care Commission:

Electronic Health Record Incentives: COMAR 10.25.16.01 and .06

According to the department, the purpose of this action is to extend the electronic health record incentives for two years through December 31, 2018. The action also extends, for two years through 2018, the reporting requirement on State-regulated payors to provide the Maryland Health Care Commission with information on the number of incentive payment requests received and payment made.

Proposed Regulation

DLS Control No. 16-125

Department of Health and Mental Hygiene:

Board of Physicians:

Delegation of Duties by a Licensed Physician-Physician Assistant:

COMAR 10.32.03.05

According to the department, the purpose of this action is to establish the course requirements for a Physician Assistant who intends to use a Mini-C-Arm device as an advanced duty pursuant to a delegation agreement.

Proposed Regulation

DLS Control No. 16-128

Department of Health and Mental Hygiene:

Medical Care Programs:

Applied Behavior Analysis Services: COMAR 10.09.28.01 - .10

According to the department, the purpose of this action is to introduce new regulations for Applied Behavior Analysis (ABA) services provided to Medicaid children younger than 21 years old with diagnosis of Autistic Spectrum Disorder (ASD) as required by the Centers for Medicare and Medicaid Services CMCS Informational Bulletin dated July 7, 2014.

Proposed Regulation

DLS Control No. 16-130

Department of Health and Mental Hygiene:

Medical Care Programs:

Medical Day Care Services: COMAR 10.09.07.08

According to the department, the purpose of this action is to modify the indexing of rates in order to ensure that the amount of the applicable index will be known during the time that the

annual budget is developed. Language is also proposed to align with federal policy allowing Medicaid payment for services provided free of charge to other patients.

Proposed Regulations

DLS Control No. 16-133

Department of Health and Mental Hygiene:

Board of Physicians:

Delegation of Duties by a Licensed Physician-Psychiatrist to a Psychiatrist's

Assistant: COMAR 10.32.04.01 and .05

According to the department, the purpose of this action is to eliminate references to reinstatement as this category of providers has been grandfathered in since 1993 and no new providers are being licensed. This proposal also adds clarifying language.

Proposed Regulations

DLS Control No. 16-138

Department of Health and Mental Hygiene:

Medical Care Programs:

Rehabilitation and Other Mental Health Services: COMAR 10.09.59.01, .04, and .06

According to the department, the purpose of this action is to (1) Facilitate the integration of mental health and substance-related disorder regulations into a new comprehensive regulation for behavioral health. During the transition period to the new regulations, both the old sets of regulations found in COMAR 10.09.59.04 and the newly promulgated regulations in COMAR 10.63 will be needed and (2) Update definitions and regulations for laboratory screens that the administrative services organization (ASO) is responsible for paying.

Proposed Regulations

DLS Control No. 16-139

Department of Health and Mental Hygiene:

Medical Care Programs:

Physicians' Services: COMAR 10.09.02.06

Pharmacy Services: COMAR 10.09.03.06

Hospital Services: COMAR 10.09.06.06

Medical Laboratories: COMAR 10.09.09.05

According to the department, the purpose of this action is to align Medicaid coverage of gender reassignment with the Maryland State Employees' Health Benefit program and recent changes in Medicare policy.

Labor, Licensing and Regulation, Department of

Proposed Regulation

DLS Control No. 16-136

Department of Labor, Licensing, and Regulation:

Board of Plumbing:

State Plumbing Code: COMAR 09.20.01.01 - .05

According to the department, the purpose of this action is to incorporate by reference the 2015 National Standard Plumbing Code Illustrated, the 2015 National Fuel Gas Code (ANSI Z223.1, NFPA 54) and the 2014 Liquefied Petroleum Gas Code (NFPA 58). The Board further proposes to adopt revised Maryland modifications to the National Standard Plumbing Code Illustrated, the National Fuel Gas Code (ANSI Z223.1, NFPA 54) and the Liquefied Petroleum Gas Code (NFPA 58).

Natural Resources, Department of

Proposed Regulation

DLS Control No. 16-135

Department of Natural Resources:

Fisheries Service:

Crabs: COMAR 08.02.03.15

According to the department, the purpose of this action is to align the term of the crabbing charter decal with the term of the commercial licenses that are prerequisites to acquiring the decal.

Currently, the crabbing charter decal is valid from the time of purchase through the end of the calendar year. In order to receive a crabbing charter decal, an individual must be licensed under Natural Resources Article, §4-701, Annotated Code of Maryland as either a fishing guide or a master fishing guide. These licenses are valid from September 1 through August 31. This action will make the term of the decal match the term of the underlying license in order to make renewal of the decal easier for licensees.

Proposed Regulation

DLS Control No. 16-141

Department of Natural Resources:

Wildlife:

General: COMAR 08.03.01.01

According to the department, the purpose of this action is to conform to changes made by the U.S. Fish and Wildlife Service for the age at which a youth hunter may hunt waterfowl during the junior waterfowl hunting days. The U.S. Fish and Wildlife Service recently increased the maximum age allowed for hunters participating in junior waterfowl hunting days to 16 years old or younger. The previous eligibility was for junior hunters 15 years old or younger.

Planning, Department of

Proposed Regulation

DLS Control No. 16-134

Department of Planning:

Historical and Cultural Programs:

Maryland Historical Trust Historic Preservation Loan Program:

COMAR 34.04.02.08

According to the department, the purpose of this action is to modify, revise, and clarify certain provisions of and requirements for Maryland Historical Trust (MHT) Historic Preservation Loans in order to improve MHT's ability to asset manage its loan portfolio and better respond to its borrowers' needs.

Public Safety and Correctional Services, Department of

Emergency/Proposed Regulations

DLS Control No. 16-123

Department of Public Safety and Correctional Services:

Parole Commission:

General Regulations: COMAR 12.08.01.17 and .18

According to the department, the Department requires immediate implementation in order to address issues surfacing as the result of parole cases involving offenders who were juveniles when the individual committed the crime for which the offender is incarcerated. The purpose of this action is to Amend Regulation .17 to clarify inmate access to documents used by the Commission when considering release on parole; and amend Regulation .18 to add provisions for information that the Commission may consider when evaluating an individual for release on parole who committed the crime at the time the individual was a juvenile.

Emergency/Proposed Regulations

DLS Control No. 16-129

Department of Public Safety and Correctional Services:

Division of Correction:

Inmate Mail: COMAR 12.02.20.01 - .08

According to the department, data has confirmed that inmate mail is the method of choice for introducing suboxone into State Correctional and Detention facilities. Emergency action is necessary to implement measures to reduce the influx of suboxone into these facilities to protect the inmates. Emergency action will place these procedures in effect during the period the Department will promulgate amendments to COMAR 12.02.20.01 - .08.

State Police, Department of

Proposed Regulation

DLS Control No. 16-124

Department of State Police:

Crime Laboratory:

Statewide DNA Data Base System and Repository: COMAR 29.05.01.01

According to the department, the purpose of this action is to amend regulation 29.05.01 Definitions (16) FBI Standards, by deleting the effective dates for (a) quality assurance standards for forensic DNA Testing Laboratories, and for (b) quality assurance standards convicted offender DNA Databasing Laboratories. This will prevent the requirement to edit the regulation should the dates change.

Higher Education Commission, Maryland

Proposed Regulation

DLS Control No. 16-132

Maryland Higher Education Commission:

General Education and Transfer:

Public Institutions of Higher Education: COMAR 13B.06.01.02, .02-1, .04 - .08

According to the commission, the purpose of this action is to update regulations relating to general education and transfer.

Institute for Emergency Medical Services Systems, Maryland

Proposed Regulation

DLS Control No. 16-126

Maryland Institute for Emergency Medical Services Systems:

EMS Operational Programs:

Base Stations: COMAR 30.03.06.01-.09

According to the institute, the purpose of this action is to clarify the requirements for base stations in Maryland to ensure consistency with current standards.

Proposed Regulation

DLS Control No. 16-137

Maryland Institute for Emergency Medical Services Systems:

General:

Documents Incorporated by Reference: COMAR 30.01.02.01

According to the institute, the purpose of this action is to incorporate by reference the current Maryland Medical Protocols for Emergency Medical Services Providers.

Insurance Administration, Maryland

Proposed Regulation

DLS Control No. 16-131

Maryland Insurance Administration:

Life Insurance and Annuities:

Notice of Nonforfeiture Provisions in Lapsed Life Policies: COMAR 31.09.06.01

According to the administration, the purpose of this action is to amend COMAR 31.09.06.01 with a technical change to replace the word “association” with the word “society” to conform with § 8-402 of the Insurance Article and other sections in COMAR.

Lottery and Gaming Control Agency, Maryland State

Proposed Regulations

DLS Control No. 16-120

Maryland State Lottery and Gaming Control Agency:

Table Games:

General: COMAR 36.05.01.02

Table Game Equipment: COMAR 36.05.02.13, .16, .20, .22, and .23

Table Game Procedures: COMAR 36.05.03.19 - .22, and .26 - .31

Blackjack Rules: COMAR 36.05.04.01 - .14

Craps Rules: COMAR 36.05.05.01 - .12

Poker Rules: COMAR 36.05.06.01 - .21

Roulette Rules: COMAR 36.05.07.01 - .06

Big Six Wheel Rules: COMAR 36.05.08.01 - .03

Four Card Poker Rules: COMAR 36.05.09.01 - .13

Midi Baccarat Rules: COMAR 36.05.10.01 - .13

Mississippi Stud Rules: COMAR 36.05.11.01 - .13

Pai Gow Poker Rules: COMAR 36.05.12.01 - .14

Texas Hold' Em Rules: COMAR 36.05.13.01 - .13

Three Card Poker Rules: COMAR 36.05.14.01 - .13

Pai Gow Tiles Rules: COMAR 36.05.15.01 - .10

Ultimate Texas Hold 'Em Rules: COMAR 36.05.16.01 - .13

Mini Baccarat Rules: COMAR 36.05.17.01 - .13

Let It Ride Poker Rules: COMAR 36.05.18.01 - .13

Double Draw Poker Game: COMAR 36.05.19.01 - .13

According to the agency, the purpose of this action is to (1) create a definition for “standard rules” under COMAR 36.05.01.02; (2) establish a new section concerning the rotation and

replacement of dice under COMAR 36.05.02.13; (3) establish a new section concerning the rotation of cards under COMAR 36.05.02.16; (4) clarify that a facility conducting electronic wagering at a table game must be done in accordance with the standard rules for Poker under COMAR 36.05.02.20; (5) establish all-new regulations that concern the general requirements for table game tables under COMAR 36.05.02.22 and .23; (6) specify that Commission's approval is needed for table game rules submissions under COMAR 36.05.03.19; (7) clarify that Commission's approval must be obtained before a new feature or table game is used under COMAR 36.05.03.20; (8) clarify that the Commission maintain standard rules and any changes thereto under COMAR 36.05.03.21; (9) clarify that facility operator must make standard rules available to players under COMAR 36.05.03.22; (10) repeal in their entirety various existing chapters of game-specific table game rule regulations while also amending certain regulations under the table game equipment and table game procedures chapters to incorporate these changes; and (11) make stylistic changes to comply with the Style Manual for Maryland Regulations.

Proposed Regulations

DLS Control No. 16-140

Maryland State Lottery and Gaming Control Agency:

Electronic Gaming Devices - Pending:

General: COMAR 36.06.01.01-.03

Lawful and Unlawful Electronic Gaming Devices: COMAR 36.06.02.01-.02

Electronic Gaming Device Enforcement: COMAR 36.06.03.01

According to the agency, the purpose of this action is to (1) define an electronic gaming device and (2) outline the Maryland State Lottery and Gaming Control Commission's purview and enforcement powers over these devices

Education, State Board of

Proposed Regulation

DLS Control No. 16-121

State Board of Education:

Special Instructional Programs:

Programs for Non-English and Limited-English Proficient Students:

COMAR 13A.05.07.01 - .05

According to the board, the purpose of this action is to incorporate new standards and new federal language and program requirements.